UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

Ranva R. Gooden, Debtor.

Case No: 15-02805-dd

Adv Case No.

Ranva R. Gooden,

Plaintiff,

COMPLAINT

vs

Jefferson Capital Systems, LLC,
Sallie Mae aka SLM Education Credit Finance, Navient Credit Finance, National Collegiate Trust, LLC

Defendant.

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT (Educational Loan)

Jurisdiction of this matter is conferred on the court by 28 U.S.C. § 1334. This action is brought pursuant to 11 U.S.C. § 523(a)(8).

1.The plaintiff is the debtor in the above-entitled case under chapter 7 of the Bankruptcy Code filed in this court on May 23, 2015.

2.The defendant, Jefferson Capital Systems, LLC, holds claims against the debtor in the amount of $22,622.00, 22,629.00, 21,909.00, and 22,622.00 plus interest, based on note(s) executed by the debtor in 2008, Navient is a loan servicer and business providing asset recovery now or formerly of a private student loan which was financed through defendant Sallie Mae. The latter Defendants on information and belief have fully transferred their claim(s) to Jefferson Capital but the status of Defendant's claims are nevertheless unclear based on billings and correspondence received by Debtor. All Defendants on information and belief are holders of note(s) were either insured by the United States of America, Department of Education, pursuant to the provisions of Title IV, Part B of the Higher Education Act of 1965, as amended, and the Code of Federal Regulations, Title 45, Part 177, Subpart E or were not underwritten by former but are nevertheless for “qualified higher educational expenses”. The Plaintiff also attended an *eligible educational institution* and therefore said debt(s) would otherwise be nondischargeable per §523(a)(8)(B).

3. As a result of circumstances for which the debtor cannot justly be held accountable, the debtor has suffered a number of health problems related to multiple sclerosis. The Debtor was diagnosed with MS in January of 2006. The Plaintiff continued to work all during this time up to 2010. After her graduation in 2010, Plaintiff could not work but her health improved enough so that she could work part time in 2012. The Plaintiff secured a Masters degree in Human Resource Management in 2010. The MS has progressed aggressively and so much so that US Department of Education discharged all debtor's federal education loans based on *total and permanent disability*. The debtor did complete all courses for which the above loans were intended.

4. The note executed by the debtor has been in default or in deferment intermittently. The Debtor has made payments sporadically but she has been unable to provide full payments pursuant to terms of the note. The holder of the private note(s) Jefferson Capital Systems, LLC has demanded payment in accordance with the terms of the note.

5. The Debtor is currently employed at Midlands Technical College as a career and Education Coordinator but can not work more than 17.5 hours per week. Debtor's hours are not only limited by Physician's directives but by her SSDI disability status. She is thus unable to generate sufficient income to pay back her heavy debt load and she cannot maintain, based on current income and expenses, a minimal standard of living for herself if forced to repay the loan(s).

6. Additionally, the current prognosis of Debtor's ailment is that same can not be corrected and is in fact degenerative and that this state of affairs is likely to persist during the whole (significant) period of student loan payback.

7. As indicated earlier, the Debtor has throughout the years made a good faith effort to pay back the loan(s).

8. Plaintiff debtor therefore requests the court to find that said debt is dischargeable in bankruptcy on the ground that excepting such debt from discharge will impose an undue hardship on the debtor and the dependents of the debtor.

June 7, 2016

/s/Paul L Held

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